



Premise

HOUSING PLUS

Statement of Environmental Effects

MULTI DWELLING HOUSING - 24 COX STREET MUDGEE

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CONTENTS

1.	INTRODUCTION	1
2.	THE SITE & ITS LOCALITY	1
2.1	THE LOCALITY	1
2.2	THE SITE	2
3.	THE DEVELOPMENT	5
3.1	DEVELOPMENT DESCRIPTION	5
4.	STATUTORY PLANNING FRAMEWORK.....	5
4.1	OBJECT OF THE EP&A ACT	5
4.2	SECTION 1.7.....	6
4.3	SUBORDINATE LEGISLATION.....	7
4.4	INTEGRATED DEVELOPMENT	7
4.5	PLANNING INSTRUMENTS	8
5.	IMPACTS, SITE SUITABILITY & THE PUBLIC INTEREST.....	15
5.1	CONTEXT AND SETTING.....	15
5.2	ACCESS, TRANSPORT AND TRAFFIC.....	15
5.3	SERVICING.....	16
5.4	HERITAGE.....	16
5.5	AIR AND MICROCLIMATE	17
5.6	WASTE.....	17
5.7	STORMWATER.....	17
5.8	NOISE & VIBRATION.....	18
5.9	SAFETY, SECURITY AND CRIME PREVENTION	18
5.10	SOCIAL IMPACT	18
5.11	ECONOMIC IMPACT	19
5.12	SITE DESIGN AND INTERNAL DESIGN	19
5.13	CONSTRUCTION IMPACTS	20
5.14	CUMULATIVE IMPACTS.....	20
6.	CONCLUSION	20
6.1	SUITABILITY OF THE SITE.....	20
6.2	THE PUBLIC INTEREST	21

FIGURES

No table of figures entries found.

TABLES

Table 1 – Section 1.7	6
Table 2 – MWRLEP 2012 Mapping	9
Table 3 – MWRLEP 2012 R3 Medium Density Residential Zone Objectives	9

Table 4 – Earthworks Considerations.....	11
Table 5 – Groundwater Vulnerability Considerations	12
Table 6 – Development Control Plan Matters and Assessment.....	24

APPENDICES

APPENDIX A PROJECT DRAWINGS
APPENDIX B DCP COMPLIANCE TABLE
APPENDIX C LANDSCAPE PLAN
APPENDIX D STORMWATER MANAGEMENT PLAN

1. INTRODUCTION

Premise has been commissioned by Housing Plus to prepare a Statement of Environmental Effects (SEE) to accompany a Development Application (DA) for a multi-dwelling housing development at 24 Cox Street, Mudgee (Lot 2 Section 6 DP 758721). The site is located in the Mid-Western Regional Council (MWRRC) Local Government Area (LGA).

The site is located in a consolidated urban area of Mudgee, approximately 500 m west of the central business district area. It has a rectangular shape with an area of approximately 1492 m², with one street frontage of 20.115 m to Cox Street to the east. It has an existing cottage near the eastern boundary, and several mature scattered trees along the northern boundary line and immediately to the west behind the existing cottage.

The site is located within the R3 Medium Density Residential zone in accordance with clause 2.3 of the *Mid-Western Regional Local Environmental Plan 2012* (the MWRLEP 2012). Development for the purposes of multi-dwelling housing is permitted with consent under clause 2.3 of the MWRLEP 2012 in the R3 Zone.

Other planning controls applying under the MWRLEP 2012 include, a minimum lot size of 600m² under clause 4.1, 8.5 m maximum building height under clause 4.3, heritage conservation area considerations under clause 5.10, earthworks considerations under clause 6.3, groundwater vulnerability considerations under clause 6.4 and essential services considerations under clause 7.6.

This SEE has been prepared pursuant to the relevant provisions of the *Environmental Planning and Assessment Act 1979* (the EP&A Act) and *Environmental Planning and Assessment Regulation 2021* (the EP&A Regulation) and is provided in the following format.

- **Section 2** of this report provides a description of the subject site and its locality.
- **Section 3** outlines the proposed development.
- **Section 4** details the planning framework applicable to the subject site and proposed development.
- **Section 5** identifies the impacts of the proposed development.
- **Section 6** provides a conclusion to the SEE.

2. THE SITE & ITS LOCALITY

2.1 The Locality

As shown in **Figure** , the site is located on Cox Street with Market Street nearby to the north and Mortimer Street to the south. Blackman Park Playground is approximately 90 m south of the site. Market street is a part of a classified road - Castlereagh Highway is at 120 m distance to the north. The site is located in Mudgee's urban area, approximately 500 m west of the central business district area. The site is situated on the western edge of the Mudgee Heritage Conservation Area.

Development within the locality is predominantly characterised by single storey detached dwelling houses. However, transition to business uses is prevalent going east on the Market Street from Cox Street. The residential typology is prevalent throughout the immediate locality with a few neighbourhood shops in the vicinity. The dwellings are mostly brick or weatherboard constructed with metal pitched roof.

2.2 The Site

As shown in **Figure 2**, the site has an east west orientation and a rectangular shape with an area of about 1492 m². It has one street frontage of 20.115 m to Cox Street to the east. It has an existing cottage near the eastern boundary, and some mature scattered trees along the northern boundary line and immediately behind the existing cottage.

The site has a side boundary measured 74.425 m to the north and the same length side boundary to the south. The former is shared with 22 Cox Street which is occupied by a single storey residential dwelling and the latter is shared by 26 Cox Street, which is also a single storey residential property. The rear boundary is 74.425 m long and is shared with 166 Mortimer Street which appears to be a property occupied by a single storey detached dwelling as well. The site has a gentle slope towards Cox Street.

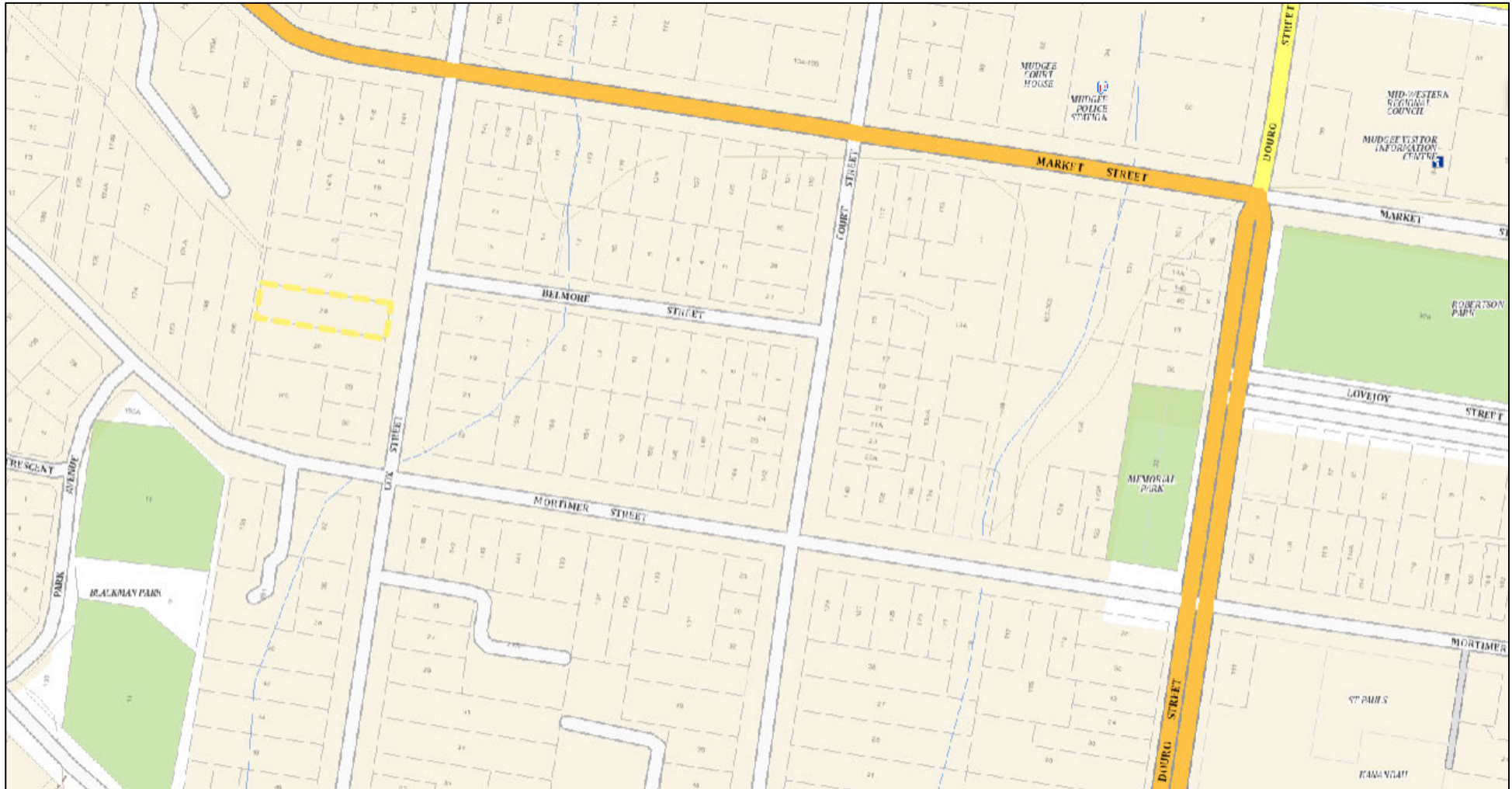


Figure 1 – Site Locality



Figure 2 – The Subject Site

3. THE DEVELOPMENT

3.1 Development Description

As detailed in the architectural plans prepared by Housing Plus (refer to **Appendix A**), this DA seeks consent for the erection of a multi-dwelling housing comprising 4 units in the rear portion of the site.

Vehicular access to the site is provided via the proposed driveway along the northern boundary from Cox Street. The end of the driveway is provided with a vehicle turning bay and five at-grade parking spaces including one accessible parking space behind the existing cottage. Waste bin storage is also located within this area to the north of the proposed car parking spaces.

Further to the west, a pedestrian pathway leads to four single storey attached dwellings. Two of the four dwellings are single bedroom dwellings and two are two-bedroom dwellings. One of the single bedroom dwellings is accessible and is located in close proximity to the car parking area.

The proposed development also includes a covered play area, vegetable patch, and yarning circle along the southern boundary of the site. Each dwelling includes a living and dining area, kitchen, laundry and a bathroom in addition to bedrooms. The dwellings are oriented in a way that a window from at least one habitable room provides casual surveillance to the pedestrian walkway and communal space areas. Each dwelling has a defined private open space area to the north with landscaped areas to the surrounds. The dwelling's construction will be sympathetic to the character of the surrounding heritage conservation area. This includes the use of a skillion roof as depicted in the attached architectural drawings (**Appendix A**).

Each dwelling is to be provided with rainwater tanks for on-site stormwater re-use in accordance with Building Sustainability Index (BASIX) requirements. Any detained water that isn't reused on-site is to drain to the legal point of discharge.

4. STATUTORY PLANNING FRAMEWORK

4.1 Object of the EP&A Act

In New South Wales (NSW), the relevant planning legislation is the *Environmental Planning and Assessment Act 1979* (EP&A Act). The EP&A Act instituted a system of environmental planning and assessment in NSW and is administered by the Department of Planning, Industry & Environment (DPIE). In 2017, the Act was amended to provide a range of updated objects. The objects of the EP&A Act are:

- (a) *To promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *To facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *To promote the orderly and economic use and development of land,*
- (d) *To promote the delivery and maintenance of affordable housing,*

- (e) *To protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *To promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *To promote good design and amenity of the built environment,*
- (h) *To promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *To promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *To provide increased opportunity for community participation in environmental planning and assessment.*

The proposed development is not considered to be antipathetic to the above objects.

4.2 Section 1.7

Section 1.7 of the EP&A Act provides that the EP&A Act has effect subject to the provisions of Part 7 of the *Biodiversity Conservation Act 2016* (the BC Act) and Part 7A of the *Fisheries Management Act 1994* (the Fisheries Act).

Part 7 of the BC Act relates to biodiversity assessment and approvals under the EP&A Act. Under Section 7.2 of the BC Act, there are three triggers for development or activities to be considered as “likely to significantly affect threatened species”. Under Section 7.7(2) of the BC Act, the development application is required to be accompanied by a biodiversity development assessment report (BDAR) if it meets one or more of conditions for “likely to significantly affect threatened species”.

The proposed development is considered against the three triggers in **Table 1** below.

Table 1 – Section 1.7

Test	Assessment
1. it is likely to significantly affect threatened species or ecological communities, or their habitats, according to the test in section 7.3, or	The site is in a highly disturbed urban context and unlikely to contain any threatened species or ecological communities, or their habitats according to the test in section 7.3. Accordingly, a BDAR is not required.
2. the development exceeds the biodiversity offsets scheme threshold if the biodiversity offsets scheme applies to the impacts of the development on biodiversity values, or	Section 7.4 of the BC Act provides that development exceeds the biodiversity offsets scheme threshold if it involves the clearing of native vegetation declared in the Biodiversity Conservation Regulation 2017 (the BC Regulation). Clause 7.1 of the BC Regulation provides that development exceeds the threshold if it involves the clearing of native vegetation:

Test	Assessment
	(a) Of an area declared by clause 7.2 of the BC Regulation as exceeding the threshold; or (b) On land included on the Biodiversity Values Map. With respect to the first matter, Clause 7.2 of the BC Regulation provides clearing thresholds depending on the minimum lot size applying to the land under an environmental planning instrument (or the actual size of the land where no minimum lot size applies). In the case of the site where the minimum lot size is 450m ² (i.e. less than one hectare), the threshold is 0.25 hectares. The proposed development does not result in the removal of any native vegetation and is not identified on the Biodiversity Values Map. Accordingly, a BDAR is not required.
3. it is carried out in a declared area of outstanding biodiversity value.	The site is not located within a declared area of outstanding biodiversity value. Accordingly, a BDAR is not required.

Source: Environmental Planning and Assessment Act 1979

4.3 Subordinate Legislation

The EP&A Act facilitates the preparation of subordinate legislation, consisting of:

- Environmental Planning Instruments (EPIs) (including State Environmental Planning Policies (SEPP), Local Environmental Plans (LEP), and deemed EPIs; and
- Development Control Plans (DCP).

In relation to the proposed development, the relevant subordinate legislation includes:

- Mid-Western Regional Local Environmental Plan 2012;
- State Environmental Planning Policy (Biodiversity and Conservation) 2021;
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004;
- State Environmental Planning Policy (Resilience and Hazards) 2021;
- Mid-Western Regional Council Development Control Plan 2013; and
- Mid-Western Regional Contributions Plan 2019.

The requirements of these are discussed in **section 4.5** of this Statement.

4.4 Integrated Development

Section 4.46 of the EP&A Act states that development requiring consent and approval under legislation set out under that section is "integrated development". The proposed development does not require approvals under any of the legislation listed under section 4.46. Accordingly, the development is not integrated development.

4.5 Planning Instruments

4.5.1 LOCAL ENVIRONMENTAL PLAN

4.5.1.1 Introduction

The *Mid-Western Regional Local Environmental Plan 2012 (LEP)* is the applicable local planning instrument applying to the land. The aims of the LEP are:

(aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,

(a) to promote growth and provide for a range of living opportunities throughout Mid-Western Regional,

(b) to encourage the proper management, development and conservation of resources within Mid-Western Regional by protecting, enhancing and conserving—

(i) land of significance to agricultural production, and

(ii) soil, water, minerals and other natural resources, and

(iii) native plants and animals, and

(iv) places and buildings of heritage significance, and

(v) scenic values,

(c) to provide a secure future for agriculture through the protection of agricultural land capability and by maximising opportunities for sustainable rural and primary production pursuits,

(d) to foster a sustainable and vibrant economy that supports and celebrates the Mid-Western Regional's rural, natural and heritage attributes,

(e) to protect the settings of Mudgee, Gulgong, Kandos and Rylstone by—

(i) managing the urban and rural interface, and

(ii) preserving land that has been identified for future long- term urban development, and

(iii) promoting urban and rural uses that minimise land use conflict and adverse impacts on amenity, and

(iv) conserving the significant visual elements that contribute to the character of the towns, such as elevated land and the rural character of the main entry corridors into the towns,

(f) to match residential development opportunities with the availability of, and equity of access to, urban and community services and infrastructure,

(g) to promote development that minimises the impact of salinity on infrastructure, buildings and the landscape.

The proposed development is not antipathetic to the aims of the plan and is specifically consistent with the aims (a), and (f).

4.5.1.2 Mapping

A review mapping via the NSW Planning Portal identifies the following applicable mapped constraints:

Table 2 – MWRLEP 2012 Mapping

Constraint	Applicability	Section addressed
Land Application Map	Yes	N/A
Groundwater Vulnerability Map	Applicable	4.5.1.7
Land Zoning Map	R3 Medium Density Residential	4.5.1.3
Lot Size Map	600 m ²	N/A
Floor Space Ratio Map	N/A	N/A
Height of Buildings Map	8.5 metres	4.5.1.4
Land Reservation Acquisition Map	N/A	N/A
Heritage Map	Heritage Conservation Area	4.5.1.5
Flood Planning Map, Active Street Frontages Map, Visually Sensitive Land Map	N/A	N/A
Sensitivity Biodiversity Map	N/A	N/A
Sewage Treatment Plant Buffer Map	N/A	N/A
Additional Permitted Uses Map	N/A	N/A

The above matters, together with other relevant LEP clauses, are discussed in the following sections.

4.5.1.3 Land Use Zoning

Development for the purposes of multi-dwelling housing is permitted with consent in the R3 Medium Density Residential zone applying to the site under clause 2.3 of the MWRLEP 2012. The proposed development is consistent with the objectives of the control as demonstrated in **Table 3**.

Table 3 – MWRLEP 2012 R3 Medium Density Residential Zone Objectives

Objective:	Comment:	
To provide for the housing needs of the community within a medium density residential environment.	The proposed development provides for the housing needs of the community by providing dwellings and facilities to support domestic violence survivors and their dependents without impacting the low-density residential environment (refer to Section 5.1).	✓

Objective:	Comment:	
To provide a variety of housing types within a medium density residential environment.	Each of the dwellings is provided with open plan kitchen, living and dining which overlook the pedestrian access to create opportunities for casual surveillance. Two of four dwellings are provided with two bedrooms; the remainder are provided with a single bedroom including one accessible dwelling.	✓
To enable other land uses that provide facilities or services to meet the day to day needs of residents.	The proposed development provides for the day to day needs of domestic violence victims and their dependents.	✓
To encourage higher-density residential development that is sympathetic to and compatible with the existing character of the Mudgee Heritage Conservation Area.	The proposed single-storey development will be situated in the rear portion of the site and demonstrates an architectural design consistent with the existing character of the Mudgee Heritage Conservation Area.	✓

4.5.1.4 Height of Buildings

Clause 4.3(2) prevents the consent authority from granting development consent to development which exceeds the maximum height shown on the Height of Buildings Map.

The proposed development does not exceed the 8.5 metre maximum height of buildings shown on the Height of Buildings Map in the MWRLEP 2012.

4.5.1.5 Heritage Conservation

Clause 5.10 seeks to conserve the environmental heritage of Mid-Western Regional; heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views; archaeological sites; and Aboriginal objects and Aboriginal places of heritage significance.

The subject property is located within the Mudgee Heritage Conservation Area.

4.5.1.5.1 Mudgee Heritage Conservation Area

The Mudgee Heritage Conservation Area and is generally regarded as an area which is valued for its special historical and aesthetic character. The elements of the Heritage Conservation area that contribute to its significance include architectural style of buildings, fences, trees and gardens.

In this regard, it is noted that the proposed development will be located behind existing cottage on site and will generally be concealed from view from Cox Street. Given that the proposed development will be single storey only, they will not be visually obtrusive in any manner and will not detract from the valued elements of the Heritage Conservation Area.

A Heritage Impact Statement has been prepared in support of the development and is provided as **Appendix E**.

4.5.1.6 Earthworks

Clause 6.3(2) of the MWRLEP 2012 provides that development consent is required for earthworks unless the works are exempt under this Plan or another environmental planning instrument (EPI) or ancillary to

development for which consent has been given. If development consent is required, The Council is required to consider the matters in clause 7.2(3).

Whilst earthworks associated with the proposed development are not anticipated to be intensive due to the site being relatively flat, they are not exempt under the MLEP 2011 or another EPI or ancillary to development for which consent has been given. Accordingly, the proposed earthworks are considered in the context of the matters for consideration in clause 7.2(3) in Error! Reference source not found..

Table 4 – Earthworks Considerations

Consideration Matters:	Assessment:	
(a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality of the development,	Earthworks associated with the proposed development are unlikely to impact soil stability in the locality due to the site being generally level.	✓
(b) the effect of the development on the likely future use or redevelopment of the land,	The site is unlikely to be used for any other purposes in the short, medium or long term.	✓
(c) the quality of the fill or the soil to be excavated, or both,	It is anticipated that the majority of excavated soils will be able to be re-used on-site. Any soils that are to be removed from or imported into the site will comply with the Council standards.	✓
(d) the effect of the development on the existing and likely amenity of adjoining properties,	Earthworks associated with the proposed development will not result in any amenity impacts to adjoining properties.	✓
(e) the source of any fill material and the destination of any excavated material,	It is anticipated that the majority of excavated soils will be able to be re-used on-site. Any soils that are to be removed from or imported into the site will comply with the Council standards.	✓
(f) the likelihood of disturbing relics,	Refer to Section 5.4	✓
(g) the proximity to, and potential for adverse impacts on, any waterway, drinking water catchment or environmentally sensitive area,	The site is not mapped as intersecting with any mapped waterway, nor it is mapped as being located within a mapped drinking water catchment or environmentally sensitive area.	✓
(h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	As the site is relatively flat, earthworks are anticipated to be minimal and are unlikely to result in any significant impacts.	✓

4.5.1.7 Groundwater Vulnerability

According to clause 6.4(3) of the *Mid-Western Regional Local Environmental Plan 2012*, before determining a development application for development on land to which this clause applies, the consent authority must consider the matters to ensure maintained hydrological functions of key groundwater systems and protection

of vulnerable groundwater resources from depletion and contamination as a result of development. These considerations are discussed in **Table 5**.

Clause 6.4(4) of the *Mid-Western Regional Local Environmental Plan 2012* prevents the consent authority from granting the development consent on land to which this clause applies unless it is satisfied that the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or; if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or; if that impact cannot be minimised—the development will be managed to mitigate that impact.

Table 5 – Groundwater Vulnerability Considerations

Consideration Matters:	Assessment:	
(a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),	The proposed land use is categorised as residential which is not anticipated to generate such quality and quantity of waste that is likely to contribute to groundwater contamination.	✓
(b) any adverse impacts the development may have on groundwater dependent ecosystems,	Minimal nature of earthworks due to generally flat topography of site ensures that no development works will penetrate the soil to an extent that will pose a threat to groundwater dependent ecosystems.	✓
(c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),	No cumulative impacts of the development are anticipated to adversely impact groundwater.	✓
(d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.	As mentioned above, any adverse impact on groundwater resulting from the development, is highly unlikely. No measures are proposed.	✓

4.5.1.8 Essential Services

Clause 6.3(3) of the *Mid-Western Regional Local Environmental Plan 2012* prevents the consent authority from granting the development consent on land to which this clause applies unless it is satisfied that any of the services that are essential for the development such as, water supply, electricity supply, sewage, stormwater drainage or on-site conservation, and suitable vehicular access are available or that adequate arrangements have been made to make them available when required.

A consideration of the servicing is provided in **Section 5.3** of this SEE. Suitable access will be provided via Cox Street, and it is anticipated that the development will be connected to existing electricity telecommunications, potable water and sewer infrastructure located within the site and surrounding area due to the existing consolidated urban residential nature of the locality.

4.5.2 STATE ENVIRONMENTAL PLANNING POLICY

4.5.2.1 State Environmental Planning Policy (Biodiversity and Conservation) 2021

4.5.2.1.1 Chapter 2 Vegetation in Non-Rural Areas

Under clause 2.3 of *State Environmental Planning Policy (Biodiversity and Conservation) 2021* (the Biodiversity SEPP), Chapter 2 of the Biodiversity SEPP applies to non-rural areas of the state which includes all land within the R1 General Residential zone. Under clause 2.6 of the Biodiversity SEPP, a person must not clear:

- Vegetation in a non-rural area of the State to which Part 3 (understood to mean Part 2.3) of the Biodiversity SEPP applies without the authority conferred by a permit granted by Council; or
- Native vegetation in a non-rural area of the State that exceeds the biodiversity offsets scheme threshold without approval by the Native Vegetation Panel under Part 2.4 of the Biodiversity SEPP.

With respect to the first point, clause 2.9 of the Biodiversity SEPP provides that a development control plan may declare any vegetation in any non-rural of the State as vegetation to which Part 2.3 applies by reference to the species, size or location of vegetation or presence of vegetation in an ecological community or in the habitat of a threatened species.

The *Mid-Western Regional Development Control Plan 2013* (the MWRDCP 2013) does not declare any vegetation for the purposes of the Biodiversity SEPP. However, it does require the retention of any significant trees and vegetation under Step 3.

Development consent for the removal of trees is not sought as part of this DA.

With respect to the second point and as detailed in **Section** Error! Reference source not found., the development does not exceed the biodiversity offsets scheme threshold. Accordingly, approval by the Native Vegetation Panel is not required.

4.5.2.1.2 Chapter 4 Koala Habitat Protection

Chapter 4 of the Biodiversity SEPP relates to koala habitat protection. At clause 4.4, it provides that the chapter applies to each LGA listed in Schedule 2 of the SEPP, subject to certain exceptions. Where the Chapter applies, the development assessment process is dependent upon whether an approved koala plan of management does (clause 4.8) or doesn't (clause 4.9) apply to the land or other (clause 4.10).

Where an approved koala plan of management doesn't apply (clause 4.9), clause 4.9(2) prevents MWRC from granting development consent to a DA seeking to carry out development on land with an area of at least one hectare (including adjoining land within the same ownership) unless it has assessed whether the development is likely to have any impact on koalas or their habitat. If MWRC is satisfied that the development is likely to have low or no impact on koalas or their habitat, clause 4.9(3) allows MWRC to grant consent to the DA.

The site is subject to the provisions of clause 4.9 as the MWR LGA is listed in Schedule 2 of the SEPP, the exceptions specified in clause 4.4 do not apply, no approved koala plan of management applies, and the site has an area of at least one hectare. MWRC may be satisfied that the development is likely to have low or no impact on koalas or their habitat on the basis that it is located within an urban environment, contains minimal vegetation and is substantially separated from the nearest patch of contiguous vegetation with sufficient width to accommodate koalas.

Accordingly, no further assessment is required.

4.5.2.2 State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

Clause 6 of the BASIX SEPP provides that the BASIX SEPP applies to proposed BASIX affected development and proposed BASIX optional development. Under the dictionary attached to the EP&A Regulation:

- Is not BASIX excluded development, being development for the purposes of a garage, storeroom, carport, gazebo, verandah or awning, alteration to a building listed on the State Heritage Register, alteration of a building resulting in a space that cannot be fully enclosed or any other BASIX excluded development declared by the Planning Secretary; and
- Involves the erection of (not relocation), change of use to or alteration exceeding \$50,000 to a BASIX building (a building containing at least one dwelling, not including hotel or motel accommodation or boarding house, hostel or co-housing accommodation more than 12 residents or with a gross floor area exceeding 300m²) or a swimming pool and/or spa servicing with a combined capacity of 40,000L or more servicing only one dwelling.

As the development subject of this application is not BASIX excluded development and seeks consent for the erection of a BASIX building, the development is BASIX affected development. Accordingly, a BASIX certificate issued no earlier than three months before the day on which the application is lodged, is provided as part of the application in accordance with clause 27 of the EP&A Regulation.

4.5.2.3 State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of State Environmental Planning Policy (Resilience and Hazards) 2021 (the Hazards SEPP) relates to remediation of land. Clause 4.6 of the Hazards SEPP prevents the consent authority from granting development consent on land unless it has considered whether the land is contaminated and, if contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable after remediation) for the purposes for which the development is to be carried out.

The proposed development site has history of being used for residential development. SEPP 55 – Remediation of Land Planning Guidelines' table 1 identifies activities that may potentially cause contamination. Residential land use is not listed in the table. Additionally, nearest contaminated site found under EPA contaminated land register in Mudgee suburb was 1.05 kilometres away from the site (as searched on 17/04/2023). For abovementioned reasons, it is presumed that the site is highly unlikely to be contaminated.

4.5.3 DEVELOPMENT CONTROL PLANS

4.5.3.1 Mid-Western Regional Development Control Plan 2013

The Mid-Western Regional Development Control Plan 2013 (MWRDCP 2013) applies to the site. **Table 6** provides a summary of relevant matters raised via the DCP together with an assessment of project specific compliance.

As outlined at **Table 6**, the development is generally compliant with all relevant provisions of the Development Control Plan.

4.5.4 MID-WESTERN REGIONAL CONTRIBUTIONS PLAN 2019

Mid-Western Regional Contributions Plan 2019 guides the levying of developer contributions across the MWR LGA pursuant to Section 7.11 and Section 7.12 of the *Environmental Planning and Assessment Act, 1979*.

In accordance with Section 2.7 of Council's Policy, the proposed development is considered to qualify as exempt with consideration given to the following, "*Housing proposed by a social housing provider or affordable housing as defined and carried out under the State Environmental Planning Policy (Affordable Rental Housing) 2009.*"

Although the proposed development is for the purposes of multi-dwelling housing, the applicant is Housing Plus, a community housing provider in NSW, and is seeking to provide refuge housing for domestic violence victims.

5. IMPACTS, SITE SUITABILITY & THE PUBLIC INTEREST

Pursuant to Schedule 1 of the EP&A Regulation, this section of the report outlines the environmental impacts of the proposed development and any measures required to protect the environment or lessen the harm to the environment.

The impacts have been identified through an assessment of the proposed development against the provisions of section 4.15(1)(b) and the former NSW Department of Urban Affairs and Planning's (nd) Guide to Section 79C.

This section also addresses the consideration at Section 4.15(c) and Section 4.15(e) of the Act that relate to the suitability of the site for the development and the public interest.

5.1 Context and Setting

The proposed development is located within a medium density residential zoned block. 90 metres south of the subject site is a public recreational area - Blackman Park and a classified road – Market Street runs from east to north west 120 metres north of the site. Cox Street is fronting the site to the east and is predominantly occupied by detached single storey dwellings.

The subject site is located on the outer perimeter of the Mudgee Heritage Conservation area. It is consistent with its context and setting as it includes four single storey dwellings located in the rear portion of the site, screened by an existing cottage and trees on the site. Location of the dwellings on site contributes towards providing privacy to domestic violence survivors by visual isolation from the street whilst further maintaining the visual characteristic of the Mudgee Conservation Area by retaining the existing cottage.

The dimensions of the building envelopes are generally consistent with that of existing residential development in the locality, particularly, multi dwelling housing developments at 160 Mortimer Street. The Site boundaries are shared by single storey residential properties – 22 and 26 Cox Street, and 166 Mortimer Street. The materiality of the proposed development is also consistent with the heritage character of the area, as depicted in the attached architectural drawings (**Appendix A**).

The visual appearance of the proposed development is to be further enhanced by new landscaping in accordance with the landscape plan provided as **Appendix C**.

The proposed development will not result in any privacy impacts to neighbouring properties due to proposed and existing vegetation acting as screening in the proposed development lot and adjoining properties' setback area, and proposed perimeter fencing. It will also not result in any privacy or overshadowing impact due to single-storey height of the proposed development.

5.2 Access, Transport and Traffic

5.2.1 CONSTRUCTION PHASE

The proposed development will result in traffic during the construction phase associated with:

- Construction staff coming to and from the site in light vehicles;

- Construction vehicles and equipment being delivered to and from the site in heavy vehicles;
- Construction materials being delivered to the site in heavy vehicles; and
- Excess soils, vegetation and other waste being taken away from the site in heavy vehicles.

It is anticipated that the majority of this traffic would be coming from other areas of Mudgee, turning right into Cox Street from either Market Street or Mortimer Street and accessing the site near the intersection with Belmore Street. Traffic turning right into Cox Street is not likely to cause queuing on Market Street due to the subject site's distance of approximately 120 metres from the road.

5.2.2 OPERATIONAL PHASE

Once operational, vehicular access to the site is to continue to be from the site's existing access near the intersection of Cox Street and Belmore Street, upgraded to meet TRC's current standards. The access has good sightlines along both Market Street and Mortimer Street. Mortimer Street experiences low levels of traffic due to being fronted mainly by medium density residential properties. Although, Market Street is part of a classified road and experiences heavy traffic, it is anticipated that distance of 120 metres from the subject site will be adequate to not adversely affect the operations of Market Street.

The vehicular access leads directly to the proposed at-grade, onsite car parking, accommodating parking for five vehicles including one disabled space. There is additional space on street to accommodate a further three spaces directly in front of the subject property. With the MWRDCP requiring a total of six spaces, the proposed development is considered to provide sufficient parking provision.

Vehicles accessing the proposed at-grade parking will generate additional traffic along Cox Street and connecting streets. The impact of the additional traffic is expected to be acceptable as:

- In Housing Plus' experience in operating other domestic and family violence accommodation elsewhere in NSW, a significant proportion of residents will arrive at the site by taxi or will be dropped by a trusted family member or friend;
- Once prospective residents are accepted to reside in the facility, it is anticipated that they will undertake far fewer trips to and from the site than residents of a typical dwelling house as a high proportion of services are delivered to the site or performed by staff (e.g. bulk grocery deliveries); and
- The site benefits from a high level of accessibility via public transport, being less than 500 metres' walk from the bus stop on Market Street - Mudgee Town Coach Stop providing access to Mudgee Railway Station.

5.3 Servicing

Vehicular access to the proposed development is to be provided via the proposed driveway from the site's Cox Street frontage and upgraded to comply with Council's standards.

Each dwelling is to be provided with a dedicated water tank in accordance with BASIX requirements to enable on-site reuse of captured stormwater.

The proposed development will be connected to existing electricity, telecommunications, potable water and sewer infrastructure within the site and surrounding area. It is anticipated that these networks would be augmented to accommodate any additional demand generated by the development.

5.4 Heritage

The site is not identified as being or adjoining items of heritage significance under the MWRLEP 2012. However, the site is within a heritage conservation area.

Notwithstanding, the proposed development will be located in the rear portion of the site, behind an existing cottage and the development is for the purposes of single-storey, multi-dwelling housing. Additionally, the development will be obstructed from view by existing trees behind the cottage as seen in the drawings in **Appendix A**. As a result, visual amenity and character of the heritage conservation area observed from Cox Street will not be impacted by the proposed development.

In summary, it is considered that the proposed development will not be visually obtrusive and will not detract from the valued elements of the Mudgee Heritage Conservation Area including its associated fabric, setting and views.

The generic due diligence process outlined in *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* informs that AHIP consideration is not necessary for the proposed development at subject site. The conclusion is derived based on following steps mentioned in the process:

1. The activity will disturb the ground surface.
2. There are no:
 - a. Relevant confirmed site records or other associated landscape feature information on AHIMS
 - b. Other sources of information of which a person is already aware.
 - c. Landscape features that are likely to indicate presence of aboriginal objects.

This is supported by the results of the Aboriginal Heritage Information Management System (AHIMS) search on 18 March 2023 which did not identify any Aboriginal sites or places within a 50 m buffer area of the site.

5.5 Air and Microclimate

The proposed development will result in negligible air and microclimate impacts during construction. However, these are expected to be short-lived and manageable through construction in accordance with a construction management plan, to be provided following DA approval.

Once operational, the proposed development will not result in any air or microclimatic impacts.

5.6 Waste

The proposed development will result in minimal waste impacts during construction due to no demolition works or clearing of vegetation being proposed. Any excavated material will be reused on-site to the maximum extent possible. Any surplus excavated material and cleared vegetation will be disposed of at an approved waste management facility in accordance with Council's requirements.

Once operational, the proposed development will generate low levels of household waste that will be stored in an enclosed area near the driveway from Cox Street. Rubbish bins would be further relocated to the kerbside prior to collection by Council's general waste collection service.

5.7 Stormwater

Stormwater will be managed using onsite detention tanks with water to be discharged to Cox Street during storm events. Details of the proposed stormwater design are provided in the attached Stormwater Management Plans (**Appendix D**).

5.8 Noise & Vibration

The proposed development will result in noise and vibration impacts during the construction phase associated with construction activities and construction vehicles and equipment being delivered to and from the site, construction staff coming to and from the site, construction materials being delivered to the site, excess soils, vegetation and other waste being taken away from the site. However, these are expected to be short-lived and manageable through construction in accordance with a construction management plan, to be provided following DA approval.

Once operational, the proposed development will not result in any vibration impacts, and noise impacts are expected to be consistent with typical residential levels.

5.9 Safety, Security and Crime Prevention

The guidelines prepared by the NSW Department of Urban Affairs and Planning (DUAP 2001) identify four (4) Crime Prevention Through Environmental Design (CPTED) principles to be considered in a Development Application to ensure developments do not create or exacerbate crime risk. The four key principles of the guidelines include surveillance, access control, territorial reinforcement, and space management.

The windows associated with the living rooms in the dwellings enable casual surveillance of the central communal area and pedestrian accessway leading to each dwelling entrance.

The proposed development site benefits from existing fencing with additional dividing fences proposed to private open space areas to clearly delineating internal and perimeter site boundaries.

The proposed development is considered to be consistent with the CPTEP principles.

5.10 Social Impact

As defined by the NSW Government Office on Social Policy, social impacts are significant events experienced by people as changes in one or more of the following are experienced:

- peoples' way of life (how they live, work or play and interact with one another on a day-to-day basis);
- their culture (shared beliefs, customs and values); or
- their community (its cohesion, stability, character, services and facilities).

Family, domestic and sexual violence is a major and, unfortunately, rapidly growing health and welfare issue in Australia. Domestic Violence NSW, the peak body for specialist and family violence services in NSW, reports that 1 in 4 Australian Women (23%) have experienced physical or sexual violence by a current or former intimate partner since the age of 15 .

Those suffering from domestic and family violence require acute and long-term assistance. As the epidemic of domestic and family violence grows, established facilities are facing increased pressure, especially in regional areas.

The proposed development will have a positive social impact, going some way towards meeting demand for emergency accommodation and professional services for victims. This includes legal, health and employment assistance, as well as other professional services. The significant public benefit provided by the development will far exceed any potential minimal impacts associated with the development as discussed in the preceding sections of this report.

5.11 Economic Impact

Housing Plus is a not-for-profit organisation providing crisis accommodation for victims of domestic and family violence.

The proposed development will have a positive economic impact during the construction phase, creating opportunities for a local construction contractor, equipment hire services and materials suppliers. At the operational phase, employment opportunities would include reception staff, social workers, groundskeepers, and security personnel. The proposed development will also create opportunities for local professionals such as legal, health and employment assistance professionals.

There is no evidence to suggest that development of accommodations for victims of domestic and family violence would have a negative effect on property values of adjoining or nearby properties, especially where the accommodation is provided in a high quality facility delivered by a Tier-1 community housing provider.

5.12 Site Design and Internal Design

The proposed development has been designed with reference to the publicly available *Design Guide: Specialist Domestic Violence Accommodation*, prepared by Housing Plus. The guideline establishes the following design standards for domestic and family violence accommodation (2022, pp. 38, 39):

- *Safety: Good design supports a safety centred approach where clients, staff, and stakeholders feel safe. The physical building design will promote and ensure a safe and secure environment. Safety includes physical safety, as well as mental and emotional safety.*
- *Privacy & Dignity: Good design provides private spaces, as well as space for families to interact and be together without creating a sense of isolation. The built form provides good aesthetics both internal and external, that promotes a sense of self-worth and wellbeing.*
- *Operational: Good Design considers and integrates all operational requirements relevant to each provider. Building maintenance policy and strategies, facilities management and performance management will need to be considered. It should be easy to maintain, robust and liveable. The design should ensure maximum end value and future alternative use options.*
- *Trauma Focused Design: Good design means creating calm spaces that promote relaxation, health and recovery through light, texture, colour, space and the careful consideration of sensory factors relating to design. Spaces are welcoming, predictable and clients can have control of their environment.*
- *Flexibility & Adaptability: Good design means the accommodation can meet the needs of many different family structures and levels of independence. The building form is adaptable to meet different family sizes or accessibility needs.*
- *Children Inclusive: Good design is designed for children from newborns to teenagers. Children need to live, play and recover from trauma in a safe and secure environment. They need robust design and furnishings and a place of their own.*

- *Culturally Appropriate Design: Good design considers what people value as culture needs to enable them to feel immediately 'at home' and should consider the cultural, religious and familial demographic of the location.*

Fit for Purpose: Good design should consider the built form, urban context and streetscape, and through sympathetic material selection and well considered passive design integration, meet the clients' expectations and objectives and comply with the relevant codes for construction.

5.13 Construction Impacts

Construction impacts would be short-lived and manageable. The following standard construction management measures would be implemented to ensure impacts to the locality are minimised:

- Standard construction hours (7 am to 6 pm Monday to Friday and 8 am to 1 pm Saturday and at no times on public holidays) would be implemented;
- Avoiding dust generating activities during windy and dry conditions; and
- Maintaining all equipment in good working condition such that the construction contractor and site manager ensure the prevention of the release of smoke by construction equipment, which would be in contravention of Section 124 of the *Protection of the Environment Operations Act 1997* and Clause 16 of the *Protection of the Environment Operations (Clean Air) Regulation 2010*.

5.14 Cumulative Impacts

It is not anticipated that the development would result in any cumulative impacts including:

- individual impacts so close in time that the effects of one are not dissipated before the next (time crowded effects);
- individual impacts so close in space that the effects overlap (space crowded effects);
- repetitive, often minor impacts eroding environmental conditions (nibbling effects); or
- different types of disturbances interacting to produce an effect which is greater or different than the sum of the separate effects (synergistic effects).

There are no known major projects being undertaken in proximity to the site that would result in cumulative impacts during either the construction or operation phase of the proposed development.

6. CONCLUSION

6.1 Suitability of the site

The site is suitable for the proposed development because:

- It is in a location predominantly occupied by residential land uses which makes it suitable for residential development;
- It has existing connections to essential services, understood to be capable of being augmented to accommodate any increase in demand generated by the proposed development;
- It is unlikely to contain Aboriginal sites or places due to being significantly disturbed;
- It is not within a mapped flood prone area; and
- No native vegetation clearing is proposed as a part of the proposal.

6.2 The Public Interest

The proposed development is in the public interest because:

- It is permitted with consent in and consistent with the objectives of Zone R3 Medium Density Residential in which the proposed development is to occur, as well as compliant and consistent with all other relevant development standards and provisions under the MWRLEP 2012;
- It is compliant with all development controls under the MWRDCP 2013, with the exception of those relating to dwelling density and parking, all of which are considered to be acceptable on merit in the circumstances of the unique features of the site and/or the proposed development;
- It is in accordance with the SEPPs as mentioned in Section 4.5.2
- It will have minimal environmental, social and economic impacts; and
- The site is suitable for the proposed development.

For the reasons set out above, the proposed development is supported subject to MWRC's standard conditions of consent.

It is recommended that Council grant development consent for the proposed multi-dwelling housing development.



APPENDIX A

PROJECT DRAWINGS



APPENDIX B

DCP COMPLIANCE TABLE

Table 6 – Development Control Plan Matters and Assessment

Objective/requirement	Standard	Assessment	Compliance?
Multi Dwelling Housing			
	<ul style="list-style-type: none"> • Be located within the Heritage Conservation Areas of Mudgee or Gulgong and or within a Village Zone; or • Be on a lot with two street frontages; or • Be on any residential lot with a frontage width greater than 25m; or • Must not be located on a lot which adjoins a lot which is approved for or contains multiple dwellings outside the Heritage Conservation Areas of Mudgee or Gulgong and or within a Village zone. 	<ul style="list-style-type: none"> • The proposed development of multi-dwelling housing is located on a lot with area of 1492 m² which is more than minimum required area of 1200 m² and is within the Heritage Conservation Area of Mudgee. 	✓
Built Form			
Design	<p>(a) Where existing buildings are to be retained as part of an overall proposal, those structures are to be upgraded to integrate with the new development.</p> <p>(b) Verandahs, steps in the roof line or other architectural features should be incorporated in the design to provide visual relief and to minimise the bulk and scale of development.</p> <p>(c) The design of the proposal must:</p>	<ul style="list-style-type: none"> • The retained cottage located in the front portion of the site is not anticipated to be part of the operations of the proposed development. It is kept separate to not be disturbed by the proposed development. • Proposed dwellings are architecturally designed to incorporate heritage appropriate building elements in the design. Notwithstanding, the proposed development will be located in the rear portion of the site, obstructed from view by existing development and trees. 	✓

Objective/requirement	Standard	Assessment	Compliance?
	<ul style="list-style-type: none"> • Optimise solar access and lot orientation; and • Be consistent with the appearance of the streetscape - the scale, spacing, setbacks and landscaping of buildings; and • Positively enhance the streetscape. 	<ul style="list-style-type: none"> • All dwellings are oriented to have openings of habitable spaces and private open space facing the northern aspect to optimise solar access. • The proposed development will not form part of the streetscape due to being in the rear portion of the site. 	
<p>Building Scale Height and Bulk</p>	<p>(a) Development, particularly when viewed from the street should be compatible with the scale of buildings in the immediate locality, consistent with the objectives of the zone and should not be visually obtrusive as a consequence of their height.</p> <p>(b) In determining appropriate building heights Council shall have regard for the scale of future development for which provision is made in the locality.</p> <p>(c) The maximum height of the building at any point shall be measured as the vertical distance between the ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communications devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.</p> <p>(d) Buildings shall not exceed two storeys and generally should not exceed 8.5 metres in height.</p> <p>(e) Each development or building will be assessed on its merits in terms of its visual impact on the streetscape and impact on the</p>	<ul style="list-style-type: none"> • The development is compatible with the scale of buildings in the immediate locality due to being single storey and of similar bulk to adjacent properties. • The height of the development is considered to be appropriate as it satisfies the MWRLEP 2012 requirement as indicated in Section 4.5.1.4. Additionally, the height of the proposed development is similar to the properties in the immediate locality. • See attached architectural plans for reference (Appendix A). 	<p>✓</p>

Objective/requirement	Standard	Assessment	Compliance?
	<p>amenity, privacy, views and solar access of the surrounding properties.</p> <p>(f) Council may require an applicant to prepare and submit to Council shadow diagrams in order to determine the impact of a proposal on buildings and landscaped areas.</p> <p>Such diagrams should be based on a survey of the relevant site and adjoining development. It is essential that shadow diagrams be based on such detailed information in view of the fact that the shadows are the result of the relative height of structures and not just the height of a structure above ground level. In this regard the resultant shadow cast by a structure can vary greatly depending whether the structure is uphill or downhill of the area in question.</p>		
<p>Setbacks</p>	<p>(a) 4.5 metres to street frontage (b) 3 metres to side and rear boundaries (c) 3 metres to secondary frontages</p>	<ul style="list-style-type: none"> • Front setback is 42.8 metres from Cox Street frontage. • Side setback is 3 metres from northern and southern boundaries. • Rear setback is 1.5 metres. Notwithstanding, a vacant strip of land is located between rear boundary and adjoining property. Setback considering additional area is more than 3 metres. <p>The land to the rear of the property is currently owned by Crown Lands. The Applicant is currently in negotiations with Crown Lands to acquire this land</p>	<p>✓</p>

Objective/requirement	Standard	Assessment	Compliance?																
		which would assist the subject development in meeting the required rear setback.																	
<p>Development Density</p>	<p>(a) The number of units accommodated on a specific site shall be as follows; These density standards apply to the Gulgong and Mudgee Conservation areas:</p> <table border="0"> <thead> <tr> <th>Unit Type</th> <th>Site Area</th> </tr> </thead> <tbody> <tr> <td>1 Bedroom unit</td> <td>1 dwelling unit per 250m² of site</td> </tr> <tr> <td>2 bedroom unit</td> <td>1 dwelling unit per 280m² of site</td> </tr> <tr> <td>3 bedroom unit</td> <td>1 dwelling unit per 310m² of site</td> </tr> </tbody> </table> <p>(b) the minimum floor area (excluding balconies and garages) for multi-dwelling housing are as follows;</p> <table border="0"> <thead> <tr> <th>Unit Type</th> <th>Floor Area m²</th> </tr> </thead> <tbody> <tr> <td>1 Bedroom unit</td> <td>55</td> </tr> <tr> <td>2 bedroom unit</td> <td>70</td> </tr> <tr> <td>3 bedroom unit</td> <td>85</td> </tr> </tbody> </table>	Unit Type	Site Area	1 Bedroom unit	1 dwelling unit per 250m ² of site	2 bedroom unit	1 dwelling unit per 280m ² of site	3 bedroom unit	1 dwelling unit per 310m ² of site	Unit Type	Floor Area m ²	1 Bedroom unit	55	2 bedroom unit	70	3 bedroom unit	85	<ul style="list-style-type: none"> • There are 2 double bedroom dwellings and 2 single bedroom dwellings proposed as a part of the development for the total site area of 1492m² which is compliant with the mentioned density requirement. • 2-bedroom dwellings have area of 69.3 m² which is short by negligible area of minimum requirement (DCP Standard is 70m²). 1-bedroom dwellings have area of 49.9 m² and 51.8 m² (DCP Standard is 55m²). The variation sought is an approximate 7-10% reduction in floor area for the 1-bedroom dwellings. <p>It should be considered that the proposed development will serve a purpose of transitional home by the habitants. Considering that, the proposed development should not be assessed in terms of typical residential dwelling.</p>	<p>Merit based</p>
Unit Type	Site Area																		
1 Bedroom unit	1 dwelling unit per 250m ² of site																		
2 bedroom unit	1 dwelling unit per 280m ² of site																		
3 bedroom unit	1 dwelling unit per 310m ² of site																		
Unit Type	Floor Area m ²																		
1 Bedroom unit	55																		
2 bedroom unit	70																		
3 bedroom unit	85																		
<p>Landscaping</p>	<p>(a) Site landscaping must not be less than 40% of the site area.</p> <p>(b) Landscaping shall consist of well advanced trees and shrubs, preferably with a predominance of native species.</p> <p>(c) The area of the site between the front building line and the street frontage must be landscaped as common property to a depth of at least 5m.</p>	<ul style="list-style-type: none"> • A landscape plan is provided as Appendix C. Landscaping is designed to provide privacy, security, shading and recreation in accordance with the requirements of the proposed use. 	<p>✓</p>																

Objective/requirement	Standard	Assessment	Compliance?
	(d) landscaping is to be completed prior to the release of the Construction Certificate.		
Site Coverage and Private Open Space	<p>(a) The maximum site coverage (excluding driveways) for residential development on land identified for medium density development, as a percentage of the total site area, shall not exceed 40%.</p> <p>(b) Each dwelling shall have a principal private open space with a minimum area of 40 square metres and a minimum dimension of 5 metres (width and depth). These areas must be directly accessed from the living areas. For the purposes of this clause, living area means any room or rooms within the dwelling which are generally available for day-to-day use by residents and visitors and include such rooms as lounge, dining and rumpus rooms.</p> <p>(c) Rainwater tanks are not to be located within the principal private open space.</p> <p>(d) Patios, decks, balconies at or near ground level may only be counted as principal private open space, under the same roof, when they have a direct northerly aspect and are less than 25% of the overall private open space requirement.</p> <p>(e) Wherever a dimension is less than 5 metres, it will not be counted as part of the calculation for a principal private open space.</p>	<ul style="list-style-type: none"> Maximum site coverage is 40% of total site area which is calculated 596.8 m² for subject site area of 1492 m². Proposed development has a total coverage area of 336.86 m² as indicated in floor layout plan in Appendix A, which is less than maximum permitted site coverage area of 596.8 m². The new development comprises of approximately 22% site coverage. Principle private open space (POS) area does not meet the minimum area requirement. The minimum private open space dimension for the two-bedroom units is 4.9m and 3m respectively for the one-bedroom units. The two-bedroom POS variation of 0.1m is considered to be negligible. POS areas are approximately 40.7m² each and comply with required minimum standard. The one-bedroom POS dimension variation sought is 2m. POS areas are approximately 20m² and 25m² respectively and require a variation to the standard of 15m² and 20m². <p>It should be considered that the proposed development will serve a purpose of transitional home by the new inhabitants. Considering that, the proposed development should not be assessed in terms of a typical residential dwelling. Additionally, all private open space areas have direct northerly aspects and are directly accessed from internal living areas. The plans in Appendix A show the layout of the private open space area with furniture arrangement to</p>	Merit based

Objective/requirement	Standard	Assessment	Compliance?
	<p>(f) Where principal private open space in the front setback is permitted, these shall be located behind a suitably landscaped area with a minimum width of 1.5 metres to the front boundary. Such landscaping shall be maintained at all times to Council's satisfaction. Fencing of such areas will be incorporated into the landscaped area. The use of 'Colorbond' or similar fencing of these is prohibited in favour of timber or masonry materials.</p> <p>(g) For all forms of development, at least 75% of each required principal private open space area and internal living areas shall receive at least three hours effective sunlight between the hours of 9.00 am and 3.00 pm on 21 June (Winter solstice). Council may require submission of shadow diagrams to demonstrate compliance with the requirement above.</p>	<p>demonstrate that each area will be functionally adequate.</p> <ul style="list-style-type: none"> • Rainwater tanks are not located within the principal private open space areas. • Additional communal space has also been provided to the southern side of the property and includes a range of amenities as depicted in the attached architectural and landscape plans (Appendix A and Appendix C). Allowing for additional area within the communal space promotes positive social interaction and further opens up the area to solar access. 	
<p>Vehicular Access and Parking</p>	<p>(a) The table for calculating the total number of car parking spaces required is shown in clause 4.1 of the MWDCP. One space only is to be allocated as resident parking for each dwelling with the remainder of the total requirement to be provided as visitor car parking, which is to remain available for use at all times. The second space required for a unit must be provided as general visitor parking or as an open space associated with the unit.</p>	<ul style="list-style-type: none"> • The proposed development is within Mudgee Heritage Conservation area which is exempt from requirement of two parking spaces for two-bedroom dwellings. <p>Four car parking spaces and one additional accessible parking space is provided for four dwellings. An additional three car parking spaces is provided on street directly in front of the subject property.</p> <p>Although all spaces are not provided onsite, the proposal complies with Council's required six car parking spaces for the proposed development.</p>	<p>Merit based</p>

Objective/requirement	Standard	Assessment	Compliance?
	<p>Note: Car parking calculations shall be rounded up to the nearest whole number.</p> <p>(b) For dwellings above commercial premises, car parking shall be provided at the mentioned rates, except in the case of a single dwelling, which requires one car parking space only.</p> <p>(c) Car parking must be designed so that either ingress to or egress from each space can be achieved in one movement.</p> <p>(d) Parking shall be located so that vehicles can enter and leave in a forward direction.</p> <p>(e) All geometric standards applicable to site access and car parking layout are to be in accordance with Council's Development Control Plan - Car Parking.</p>	<p>It should be considered that the proposed development will serve as a transitional living arrangement for habitants. Additionally, in Housing Plus's experience in operating other domestic and family violence accommodation elsewhere in NSW, a significant proportion of residents will arrive at the site by taxi or will be dropped by a trusted family member or friend.</p>	
<p>Vehicular Access Design.</p>	<p>(f) Driveways are not to be continuous straight lines and are to be offset by landscaped sections and/or unit layout.</p> <p>(g) Driveways are to be designed as follows:</p> <ul style="list-style-type: none"> • A pavement width of 3 metres is required for developments of 3 to 4 dwellings. • A pavement width of 6 metres is required for developments of 5 or more dwellings. • Where the length of driveway exceeds 30m, the width of pavement must be 6m at intervals. This width may be varied along its length subject to provision being made for passing along the driveway. 	<ul style="list-style-type: none"> • The geometry of the subject site does not allow for driveway to not be continuous straight line. Notwithstanding, the width of the driveway and vehicle turning bay allows for a vehicle to enter or exit the premises in forward direction. The driveway is splayed, providing 5.5 metres width at the site entrance to create a waiting bay and area for passing traffic. The proposed driveway is offset by landscaped sections as shown in the project drawings in Appendix A. • Pavement width of proposed car parking area is 6.6m. • Driveway is setback less than 2 m from northern boundary. Notwithstanding, the placement of the driveway is consistent with the placement of 	<p>Merit based</p>

Objective/requirement	Standard	Assessment	Compliance?
	<p>(h) Where access is to a major road a pavement width of not less than 6 metres for the first 5 metres of the driveway adjoining the road boundary is to be provided.</p> <p>(i) Driveways are to be offset a minimum of 2 metres from any side boundary for the full length of the required front setback (ie. 6 metres or 7.5 metres). The setback area should be suitably landscaped to screen the hardstand driveway surfaces and to provide visual appeal to the streetscape.</p>	<p>driveways in adjoining properties – 22 Cox Street and 26 Cox Street. The streetscape will not be adversely impacted.</p>	
<p>Privacy and Amenity</p>	<p>Where windows or balconies of dwellings are within 6 metres and facing windows or balconies of adjacent dwellings, windows must be offset by a minimum of 1 metre from the edge of the opposite window and balconies be screened or oriented to ensure visual privacy.</p> <p>Window openings at first floor level and above should be orientated or designed to minimise the potential for overlooking of adjacent properties and the consequent loss of privacy.</p> <p>Windows which are orientated towards adjoining properties and do not adequately restrict overlooking will be required to be opaque finish or located at appropriate heights above floor level to minimise overlooking of adjoining properties.</p> <p>All developments are required to provide a 1.8m high fence on the boundary of the</p>	<ul style="list-style-type: none"> • Windows or balconies of dwellings are not facing each other as shown in project drawings in Appendix A. Private open spaces of dwellings are separated by fencing. • Existing perimeter fencing is available onsite. 	<p>✓</p>

Objective/requirement	Standard	Assessment	Compliance?
	<p>development site and between private open space areas of individual units.</p> <p>All fencing is to be provided at full cost to the developer. All fencing which is in front of the building line shall be constructed of timber and/or masonry materials.</p>		
Acoustic Privacy	<p>(a) Site layout should separate active recreational areas, parking areas, vehicle accessways and service equipment areas from bedroom areas of dwellings.</p> <p>(b) Development adjacent to high levels of uncontrollable external noise shall incorporate a building design and external wall treatments to minimise the entry of that noise.</p>	<ul style="list-style-type: none"> The bedrooms of the dwellings are separated from noise generating sources by either orientation or landscaping as shown in architectural drawings in Appendix A. 	✓
Waste Disposal	<p>Development applications should provide details of an appropriate means of waste disposal via the provision of individual 240 litre mobile garbage, recycling bins to each dwelling.</p> <p>All dwellings should provide an external access to the rear of the development (private open space area) to enable garbage bins to be taken to the street without the need for moving the bins through the dwelling. A garage can be used for this purpose if it provides direct access to the rear courtyard. All garbage bins should be stored within the private open space or garage of the dwelling.</p>	<ul style="list-style-type: none"> Waste enclosure to be provided adjoining the car parking area as depicted in the attached project drawings (Appendix A). Rubbish bins to be relocated to the kerbside prior to Council's general waste collection service. 	✓

Objective/requirement	Standard	Assessment	Compliance?
	Waste disposal collection points should not compromise the amenity of future residents in terms of noise, odour or aesthetic impact.		



APPENDIX C

LANDSCAPE PLAN



APPENDIX D

STORMWATER MANAGEMENT PLAN



APPENDIX E

HERITAGE IMPACT STATEMENT



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